IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 7247 of 1999

Between:

I. Satyanarayana s/o. I. Ramulu
R/o. H.No.9-63, New Dilsukhnagar Dilsukhnagar
Hyderabad

..... PETITIONER

AND

The Regional Manager, A.P.State Road

Transport Corporation, Hyderabad Region,

Jubilee Bus Station,
Picket, Secunderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, particularly one in the nature of Writ of Mandamus, declaring the proceedings of the respondent bearing No.L4/785(295)/98-HCR dated 2-2-1999, rejecting to consider the claim of the petitioner for appointment as conductor, as illegal, unwarranted, null and void, and consequently direct the respondent to consider the claim of the petitioner and appoint him as conductor on the basis of his application bearing registration No.018922/serial No.051116 and interview held on 18-1-1999 immediately under the control of the respondent.

(The prayer is amended as per Court Order dated 24.06.1999 in WPMP.No.14822 of 1999)

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondent: MR.V.T.M.PRASAD

The Court made the following:

ORDER:

This writ petition is filed, seeking a Mandamus, declaring the proceedings of the respondent bearing No.L4/785(295)/98-HCR, dated 02.02.1999, rejecting the claim of the petitioner for appointment as conductor, as arbitrary and illegal, and consequently direct the respondent to appoint the petitioner as conductor.

It is the case of the petitioner that he filed W.P.No.34394 of 1998 before this Court and that writ petition was disposed of by order dated 14.12.1998, with the following directions:

> "In such view of the matter, it would be appropriate to dispose of this writ petition directing the respondent herein to consider the case of the petitioner for appointment to the post of Conductor Grade-I pursuant to the interviews held on 18.01.1998 for the said posts in accordance with the Regulations without disqualifying the petitioner on the ground that he is a non-local.
>
> Learned Standing Counsel for the respondent-APSRTC would, however, submit that the interview was held as early as on 18.01.1998 and the petitioner had approached this Court after almost lapse of eleven months and the writ petition is liable to be dismissed only on the ground of latches. Learned Standing Counsel also would urge that directions from this Court as and when the petitioners approach, at their own convenience is likely to cause inconvenience and would adversely effect the selection process. I find substantial force in the submission made by the learned standing counsel. It is not as if the aggrieved person can come to this Court at his will and pleasure. This Court would come to the aim of only such person who are diligent in asserting their rights.
>
> Under those circumstances, the respondents are directed to consider the case of the petitioner in the light of the above observations, provided there are existing vacancies as on today remained unfilled so far."

Pursuant to the directions of this Court, the respondent has taken up the matter and considered the case of the petitioner for being appointed to the post of Conductor. Ultimately, the case of the petitioner was rejected as under:

> "The required number of candidates to fill the notified vacancies were selected. However, on the directions of Hon'ble High Court in different writ petitioners, 54 candidates have been considered for appointment. All the selected candidates have been called for training and absorbed into the service of the Corporation. Since more number of candidates have been considered against notified vacancies, there are at present no vacancies."

Now it is the case of the petitioner that he has got every chance to be appointed as a Conductor as he got 76.3% marks in the S.S.C. examination, and some of the candidates now selected and appointed as conductors in pursuance of the notification dated 29.03.1997 have got less number of marks than the petitioner. Therefore, the rejection of the claim of the petitioner is illegal and arbitrary.

A detailed counter affidavit has been filed by the respondent, denying allegations made by the petitioner. It is asserted that the application of the petitioner could not be located through a computer initially since his name was entered as Satyanarayana instead of I.Satyanarayana. The same could be located after issue of the proceedings dated 02.02.1999. The petitioner had personally represented to the respondent on 07.04.1999 and furnished his details and on the basis of which, his application was located. The case of the petitioner was originally not considered since he was hailing from Suryapet. However, he had approached the High Court seeking a direction to consider his case without disqualifying on the basis that he is a non-local. This Court observed that the petitioner had approached the Court after a lapse of eleven months and made a claim. However, this Court directed the respondent to consider his case provided that there are vacancies remained unfilled as on that date. As more number of candidates were selected than the notified number, the claim of the petitioner was rejected. The petitioner filed C.C.No.202 of 1999 and the same was also dismissed by this Court. Therefore, the contention of the petitioner that rejecting his claim for appointment to the post of Conductor as illegal, is not tenable.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the material made available on record.

At the outset, I am of the opinion that this writ petition is just speculative and does not call for interference of this Court in the impugned order passed by the respondent.

At the earliest point of time when his case was not considered, the petitioner

approached this Court and this Court directed the respondent to consider his case without reference to the fact that he was a non-local. He approached this Court after 11 months thereafter. Therefore, this Court held that it is not as if the aggrieved person can come to this Court at his sweet will and pleasure. This Court would come to the aid of only such person who are diligent in asserting their rights. However, while holding so, this Court directed the respondent to consider the case of the petitioner in the light of the observations made therein, provided there are existing vacancies as on that date remained unfilled. In the counter filed by the respondent, it has been categorically asserted that the selection process was completed long ago and there are no vacancies unfilled. Therefore, the case of the petitioner was not considered. Under those circumstances, the impugned order does not call for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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C.V.RAMULU,J

Dated: 11.07.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager,

A.P.State Road Transport Corporation,

Hyderabad Region,

Jubilee Bus Station, Picket,

Secunderabad

2. Two CD copies

*Form-NIC-OGS/WP{**ND**}*